

AMENDED IN SENATE APRIL 9, 2008

AMENDED IN SENATE JULY 9, 2007

AMENDED IN ASSEMBLY MARCH 28, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 996

Introduced by Assembly ~~Member Spitzer~~ Members *Spitzer and Solorio*

(~~Coauthors: Senators Battin and Cox~~)

February 22, 2007

~~An act to add Section 3044 to the Penal Code, relating to parole.~~
An act to amend Section 1808.4 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 996, as amended, ~~Spitzer. Parole hearings: victim testimony.~~
Department of Motor Vehicles: records.

Existing law makes confidential the home address of any of a list of state officers and employees that appears in the Department of Motor Vehicles (DMV) records, if an officer or employee requests that address be kept confidential, with certain exemptions for information available to specified governmental agencies. Existing law provides that the home address shall be withheld from public inspection for 3 years following termination of office or employment, except with respect to retired peace officers, whose home addresses shall be withheld from public inspection permanently upon request.

This bill would revise the exemptions to nondisclosure to provide that a governmental agency may obtain the information necessary to process the service and collection of a traffic, parking, or toll road violation.

The bill would also provide that the applicable statutory time periods for processing traffic, parking, or toll road violations are tolled until the DMV provides the law enforcement agency or governmental agency with the confidential home addressee's information. The bill would also authorize the law enforcement agency or governmental agency to serve the person, his or her spouse, or child at the address of the person's, spouse's, or child's employer, as appropriate.

~~Existing law requires the Board of Parole Hearings to hold regular hearings to determine a prisoner's suitability for parole. Upon request, the board is required to send a notice of a scheduled hearing to the victim or next of kin, at least 30 days before the hearing. The victim or next of kin, or a representative, as specified, has the right to appear at the hearing and to make a statement.~~

~~This bill would provide that if a victim, victim's representative, or next of kin appears for a duly noticed, scheduled parole hearing, and that hearing is postponed at the request of the prisoner or prisoner's attorney, the board shall allow the victim, victim's representative, or next of kin to make his or her statement at the time the postponement is granted, in accordance with certain procedures.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1808.4 of the Vehicle Code is amended
- 2 to read:
- 3 1808.4. (a) ~~The home address of any of the following persons,~~
- 4 ~~For all of the following persons, his or her home address that~~
- 5 ~~appears in any a record of the department, is confidential, if the~~
- 6 ~~person requests the confidentiality of that information:~~
- 7 (1) Attorney General.
- 8 (2) State public defender.
- 9 (3) ~~Members~~ A Member of the Legislature.
- 10 (4) ~~Judges or court commissioners~~ A judge or court
- 11 ~~commissioner.~~
- 12 (5) ~~District attorneys~~ A district attorney.
- 13 (6) ~~Public defenders~~ A public defender.
- 14 (7) ~~Attorneys~~ An Attorney employed by the Department of
- 15 Justice, the office of the State Public Defender, or a county office
- 16 of the district attorney or public defender.

1 ~~(8) City attorneys and attorneys who submit~~ *A city attorney and*
2 ~~an attorney who submits~~ *verification from their his or her public*
3 ~~employer that they represent~~ *the attorney represents* the city in
4 ~~matters that routinely place them~~ *the attorney* in personal contact
5 with persons under investigation for, charged with, or convicted
6 of, committing criminal acts, ~~if those attorneys are employed by~~
7 ~~city attorneys~~ *that attorney is employed by a city attorney.*

8 ~~(9) Nonsworn police dispatchers~~ *A nonsworn police dispatcher.*

9 ~~(10) Child abuse investigators or social workers~~ *A child abuse*
10 ~~investigator or social worker,~~ *working in child protective services*
11 ~~within a social services department.~~

12 ~~(11) Active or retired peace officers~~ *An active or retired peace*
13 ~~officer,~~ *as defined in Chapter 4.5 (commencing with Section 830)*
14 ~~of Title 3 of Part 2 of the Penal Code.~~

15 ~~(12) Employees of the Department of Corrections, the~~
16 ~~Department of the Youth Authority~~ *An employee of the Department*
17 ~~of Corrections and Rehabilitation, Division of Juvenile Facilities,~~
18 ~~or the Prison Industry Authority specified in Sections 20403 and~~
19 ~~20405 of the Government Code.~~

20 ~~(13) Nonsworn employees~~ *A nonsworn employee of a city police*
21 ~~department, a county sheriff's office, the Department of the~~
22 ~~California Highway Patrol, a federal, state, and or local detention~~
23 ~~facilities, and facility, or a local juvenile halls, camps, ranches,~~
24 ~~and homes, who submit~~ *hall, camp, ranch, or home, who submits*
25 ~~agency verification that, in the normal course of their his or her~~
26 ~~employment, they control or supervise~~ *he or she controls or*
27 ~~supervises inmates or are is required to have a prisoner in their his~~
28 ~~or her care or custody.~~

29 ~~(14) County counsels~~ *A county counsel assigned to child abuse*
30 ~~cases.~~

31 ~~(15) Investigators~~ *An investigator employed by the Department*
32 ~~of Justice, a county district attorney, or a county public defender.~~

33 ~~(16) Members~~ *A member of a city council.*

34 ~~(17) Members~~ *A member of a board of supervisors.*

35 ~~(18) Federal prosecutors and criminal investigators and~~ *A federal*
36 ~~prosecutor, criminal investigator, or National Park Service Rangers~~
37 ~~Ranger~~ *working in this state.*

38 ~~(19) Any~~ *An active or retired city enforcement officer engaged*
39 ~~in the enforcement of the Vehicle Code or municipal parking~~
40 ~~ordinances.~~

1 (20) ~~Any~~*An* employee of a trial court.

2 (21) ~~Any~~*A* psychiatric social worker employed by a county.

3 (22) ~~Any~~*A* police or sheriff department employee designated
4 by the Chief of Police of the department or the sheriff of the county
5 as being in a sensitive position. ~~Any~~*A* designation pursuant to this
6 paragraph shall, for purposes of this section, remain in effect for
7 three years subject to additional designations that, for purposes of
8 this section, shall remain in effect for additional three-year periods.

9 (23) ~~State employees in~~*A state employee in one of* the following
10 classifications:

11 (A) Licensing Registration Examiner, Department of Motor
12 Vehicles.

13 (B) Motor Carrier Specialist 1, California Highway Patrol.

14 (C) Museum Security Officer and Supervising Museum Security
15 Officer.

16 (24) (A) The spouse or child of ~~any~~ *a* person listed in
17 paragraphs (1) to (23), inclusive, regardless of the spouse's or
18 child's place of residence.

19 (B) The surviving spouse or child of a peace officer, as defined
20 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
21 2 of the Penal Code, if the peace officer died in the line of duty.

22 (b) The confidential home address of ~~any of the persons~~ *a person*
23 listed in subdivision (a) shall not be disclosed to ~~any person, except~~
24 ~~for~~ *disclosed, except to* any of the following:

25 (1) A court.

26 (2) A law enforcement agency.

27 (3) The State Board of Equalization.

28 (4) An attorney in a civil or criminal action that demonstrates
29 to a court the need for the home address, if the disclosure is made
30 pursuant to a subpoena.

31 (5) ~~Any~~*A* governmental agency to which, under any provision
32 of law, information is required to be furnished from records
33 maintained by the department *or the information is necessary to*
34 *process the service and collection of a traffic, parking, or toll road*
35 *violation.*

36 (c) ~~Any~~*(1)* A record of the department containing a confidential
37 home address shall be open to public inspection, as provided in
38 Section 1808; if the address is completely obliterated or otherwise
39 removed from the record. The home address shall be withheld

1 from public inspection for three years following termination of
2 office or employment ~~except with.~~

3 (2) ~~With respect to a retired peace officers, whose officer, his~~
4 ~~or her~~ home addresses shall be withheld from public inspection
5 permanently upon request of confidentiality at the time the
6 information would otherwise be opened. The home address of the
7 surviving spouse or child listed in subparagraph (B) of paragraph
8 (24) of subdivision (a) shall be withheld from public inspection
9 for three years following the death of the peace officer. ~~The~~

10 (3) ~~The~~ department shall inform ~~any~~ a person who requests a
11 confidential home address what agency the individual whose
12 address was requested is employed by or the court at which the
13 judge or court commissioner presides.

14 (d) *The applicable statutory time periods for processing the*
15 *service and collection of traffic, parking, or toll road violations*
16 *are tolled until the department provides the law enforcement*
17 *agency or governmental agency with the confidential home*
18 *addressee's information. For purposes of providing notice of a*
19 *traffic, parking, or toll road violation, the law enforcement agency*
20 *or governmental agency may serve the person, his or her spouse,*
21 *or child at the address of the person's, spouse's, or child's*
22 *employer, as appropriate.*

23 ~~(d)~~
24 (e) A violation of subdivision (a) by the disclosure of the
25 confidential home address of a peace officer, as specified in
26 paragraph (11) of subdivision (a), a nonsworn employee of the
27 city police department or county sheriff's office, or the spouses or
28 children of these persons, including, but not limited to, the
29 surviving spouse or child listed in subparagraph (B) of paragraph
30 (24) of subdivision (a), that results in bodily injury to the peace
31 officer, employee of the city police department or county sheriff's
32 office, or the spouses or children of these persons is a felony.

33 ~~SECTION 1. Section 3044 is added to the Penal Code, to read:~~

34 3044. (a) ~~If a victim, victim's representative, or next of kin~~
35 ~~appears for a duly noticed, scheduled parole hearing, and that~~
36 ~~hearing is postponed at the request of the prisoner or prisoner's~~
37 ~~attorney, the board shall allow the victim, victim's representative,~~
38 ~~or next of kin to make his or her statement at the time the~~
39 ~~postponement is granted. If the victim, victim's representative, or~~
40 ~~next of kin makes the statement directly and in person to the board~~

1 on the date the postponement is granted, the statement shall be in
2 lieu of any other statement presented at the time the postponed
3 hearing is held.

4 (b) If, on the day the hearing is postponed, the victim, victim's
5 representative, or next of kin does not make a statement directly
6 and in person to the board, he or she may make a statement in
7 writing or in any other medium. This statement shall be recorded
8 and preserved for introduction into the record when the parole
9 hearing is subsequently held. The statement shall not be read,
10 heard, or viewed by the board prior to the hearing. At the time the
11 hearing is held, if the victim, victim's representative, or next of
12 kin attends the hearing in person, he or she may make an oral
13 statement directly to the board. If the statement is made to the
14 board in person, a previously recorded and preserved statement
15 shall not be introduced into the record or otherwise considered by
16 the board.